

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1, 2, 3, and 7. These sheets, which include Figs. 1-3 and 6-8, replace the original sheets including Figs. 1-3 and 6-8.

Attachment: Replacement Sheets (2)

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-25 are pending in this application, Claims 1, 9, 12, 13, 16, and 19 having been amended by the present Amendment. New Claims 20-25 are added. Support for amended Claims 1, 9, 12, 13, 16, and 19 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, the drawings and claims were objected to due to informalities; Claims 13 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 1-11 were rejected under 35 U.S.C. § 102(e) as anticipated by Robins et al. (U.S. Patent No. 6,430,184; hereinafter “Robins”); and Claims 12-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Kato et al. (U.S. Patent No. 5,544,336; hereinafter “Kato”).

In response to the objection to the drawings, Applicant has amended Figures 1-3 and 7 to include the legend “Prior Art” as suggested in the outstanding Office Action. Further, Figures 1 and 2 have been amended to include reference signs for the timing diagrams. Accordingly, Applicant respectfully requests the objection to the drawings be withdrawn.

In response to the claim objections, Applicant has amended the claim 12 rendering the objection moot. In regard to Claims 15 and 18, Applicants respectfully submit that these dependent claims do not recite the same limitation recited in Claims 12 and 16, respectively. For example, Claim 18 states that said packeting time is greater than half of a total time for packeting said asynchronous data and transmitting said message, whereas Claim 16 states that said packet time is greater than said message time. Thus, Claim 18 further defines the subject matter of Claim 15.

¹ See for example at page 4, lines 6-8 and at page 8, lines 6-13 of the specification.

Accordingly, Applicant respectfully requests the objection to the claims be withdrawn.

In response to the rejection of Claims 13 and 19 under 35 U.S.C. § 112, second paragraph, Applicant has amended Claims 13 and 19 to cure the informality noted in the outstanding Office Action.

Accordingly, Applicant respectfully requests the rejection of Claims 13 and 19 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In response to the rejection of Claims 1-11 under 35 U.S.C. § 102(e) as anticipated by Robins, Applicant respectfully submits that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 is directed to a system for processing asynchronous data, including, *inter alia*:

...a plurality of packeting modules configured to packet asynchronous data; and

a message composition module connected to said plurality of packeting modules,

wherein said message composition module is configured to compose a message and send a request for a packet to at least one packeting module of said plurality of packeting modules when said message composition module needs a packet, and

wherein said at least one packeting module is configured to stop packeting asynchronous data, even if packeting of the asynchronous data is not completed, in response to said request and to send to said message composition module a packet of asynchronous data formed prior to receiving said request.

Page 5 of the Office Action states that Robins “discloses Queue Manager (“QM”) 30 for managing the packeting and storing of data packets in a plurality of buffers 35/36, where data packets are made up of a plurality of data cells (QM managing the packeting of multiple packets of multiple flows constitutes a plurality of packeting modules)....” However, Robins

fails to teach or suggest that “said message composition module is configured to compose a message and send a request for a packet to at least one packeting module of said plurality of packeting modules when said message composition module needs a packet,” as recited in Applicant’s amended independent Claim 1.

In Robins, QM 30 receives an instruction from RE 40 for packeting *according to linked-lists of packet descriptors stored in the buffers of the QM 30*. Whereas, in Applicant’s Claim 1 the packeting module receives a message from the message composition module, *when the message composition module needs a data packet*. In other words, QM 30 receives an instruction based on information stored in the QM 30, whereas in Applicant’s Claim 1 the packeting module receives a message from the message composition module when the message composition module needs a data packet.

Assuming *arguendo*, that RE 40 corresponds to Applicant’s claimed message composition module and that QM 30 corresponds to Applicant’s claimed packeting module, Robins does not describe that QM 30 receives a message from the RE 40 *when the RE 40 needs a data packet*.

Thus, Applicant respectfully submits independent Claim 1 (and all claims depending thereon) patentably defines over Robins.

Amended independent Claim 9 recites “means for receiving a request, in the packeting module, from a message composition module when said message composition module needs a data packet.” Thus, independent Claim 9 (and all claims depending thereon) are believed to be patentable for at least the reasons discussed above.

Accordingly, Applicant respectfully requests the rejection of Claims 1-11 under 35 U.S.C. § 102(e) as anticipated by Robins be withdrawn.

In response to the rejection of Claims 12-19 under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Kato, Applicant notes that Claims 12-15 are dependent on

independent Claim 9 and are thus believed to be patentable for at least the reasons discussed above. Further, Applicant respectfully submits that Kato fails to cure any of the above-noted deficiencies of Robins.

Amended independent Claim 16 recites “means for requesting said packet when a message composition module needs said packet” and is also believed to be patentable for the reasons discussed above.

Accordingly, Applicant respectfully requests the rejection of Claims 12-19 under 35 U.S.C. § 103(a) be withdrawn.

In order to vary the scope of protection recited in the claims, new Claims 20-25 are added. New Claims 20-25 find non-limiting support in the disclosure as originally filed, for example at page 4, lines 6-13 and 20-22; page 5, lines 13-20; page 6, lines 18-21; page 8, lines 6-13; and page 9, lines 2-6 of the specification.

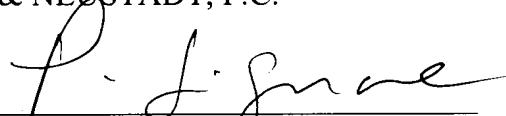
Therefore, the changes to the claims are not believed to raise a question of new matter.²

² See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Derek P. Benke
Registration No. 56,944